

KITCHENS NEW CLEGHORN
KITCHENS NEW CLEGHORN, LLC
ATTORNEYS AT LAW

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WC 10-256

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tel 706.715.3370 fax 706.612.1313

VIA UPS OVERNIGHT DELIVERY

December 1, 2010

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

2010 DEC -2 PM 5:22

Re: Section 63.71 Application of Cypress Communications Operating Company, LLC
Before the Federal Communications Commission

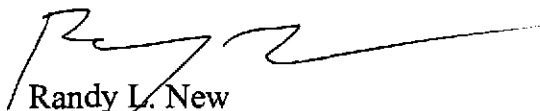
Dear Ms. Dortch:

I represent Cypress Communications Operating Company, LLC. Enclosed herewith are an original and six (6) copies of the above-captioned application for authority to discontinue the provision of domestic telecommunications services – namely, voice and data services – to a limited number of customers in Alabama and Washington.

Applicant respectfully requests that the Commission issue a public notice regarding this application as soon as possible, or advise us as to what further process should occur.

Please date-stamp the enclosed extra copy of this filing and return it in the envelope provided. Should you have any questions with respect to this matter, please contact the undersigned.

Sincerely,



Randy L. New
Attorney for Cypress Communications Operating Company LLC
randy.new@knclawfirm.com

Enclosures

cc: John A. Harwood, Vice President and General Counsel, Cypress Communications

In the Matter of)
)
Section 63.71 Application of)
Cypress Communications Operating Company, LLC)

Cypress Communications Operating Company LLC (“Cypress” or “Applicant”) hereby seeks authorization pursuant to Section 214(a) of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214, and Section 63.71 of the Commission’s Rules, 47 C.F.R. § 63.71, to discontinue its provision of domestic telecommunications services – namely, voice and data services – to two (2) customers in Birmingham, Alabama and two (2) customers in Seattle, Washington.

Cypress is a leading provider of bundled telecommunications services to small and medium-sized businesses located in multi-tenant commercial office buildings in major metropolitan markets in the U.S. Specifically, Cypress offers its customers integrated service bundles that include local, long distance, and international telecommunications services; high-speed Internet connectivity; e-mail services; fully-managed firewall services; web hosting; virtual private networks; feature-rich digital desktop stations; calling cards; audio and web conferencing; and digital business television. Cypress is authorized to provide regulated telecommunications services in 29 states and the District of Columbia. Cypress is also authorized by the Federal Communications Commission to provide both interstate and international telecommunications services.

In an effort to maintain its operating network in the most efficient manner possible, Cypress has identified two (2) customer sites at which its services will be discontinued. Revenue has been declining at these service locations for some time. The proposed discontinuance will not result in harm to the affected customers because these customers will have the opportunity to select another telecommunications provider for their telecommunications needs. Moreover, numerous CLECs and ILEC(s) in their area will continue to offer them some or all of the services which they have been receiving from Cypress.

The Applicant provides the following information pursuant to Section 63.71 of the Commission's Rules:

1. Name and Address of the Carrier: Cypress Communications Operating Company, LLC is located at 4 Piedmont Center, Suite 600, 3565 Piedmont Road, Atlanta, GA 30305.
2. Date of Planned Service Discontinuance, Reduction or Impairment: The Applicant plans to discontinue local telephone service, including voice and data services, to the affected customers in the states listed above on February 1, 2011, or as soon thereafter as any necessary regulatory approvals are obtained. Applicant understands that this application will be automatically granted on the 31st day after public notice of filing unless the Commission notifies the Applicant to the contrary.
3. Points of Geographic Areas of Service Affected: Applicant proposes to discontinue the provision of local telephone service, including voice and data services, to the affected customers in the state of Pennsylvania.

4. Brief Description of Type of Service Affected: The telecommunications services received by the affected customers include the provision of local telephone service, including voice and data services.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: On December 1, 2010, Cypress provided written customer notice by first-class mail in accordance with the requirements of Section 63.71(a) of the Commission's Rules, informing its customers of the projected February 1, 2011 disconnect date. A sample copy of this notice to customers is appended hereto as *Exhibit A*.

6. Whether the Carrier is Considered Dominant or Non-dominant with Respect to the Service to be Discontinued, Reduced or Impaired: Applicant is considered non-dominant with respect to the affected services.


In accordance with Section 63.71 of the Commission's Rules, a copy of this Application is being mailed to the Governor and public services commission of the state of Pennsylvania and to the Special Assistant for Telecommunications for the Secretary of Defense, concurrent with the filing of this application.

Additional questions regarding this application may be addressed to the undersigned.

RESPECTFULLY SUBMITTED, this 1st day of December, 2010.

KITCHENS NEW CLEGHORN, LLC

BY:


RANDY L. NEW, ESQ.
Georgia Bar No. 539540
Attorney for Cypress Communications Operating
Company LLC

2973 Hardman Court NE

Atlanta, GA 30305
678.244.2880 — Voice
678.244.2883 — Fax
randy.new@knclawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 1st day of December, 2010, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below

Secretary of Defense
ATTN: Special Assistant for
Telecommunications
Pentagon
Washington, DC 20301

The Honorable Bob Riley
State Capitol
600 Dexter Avenue
Montgomery, AL 36130


The Honorable Chris Gregoire
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Alabama Public Service Commission
P.O. Box 304260
Montgomery, AL 36130

Washington UTC
P.O. Box 47250
Olympia, WA 98504-7250

KITCHENS NEW CLEGHORN, LLC

BY:


RANDY L. NEW, ESQ.
Georgia Bar No. 539540
*Attorney for Cypress Communications Operating
Company, LLC*

DEC 02 2010

FCC Mail Room

Via Certified Mail, Return Receipt Requested

December 1, 2010

9709 Third Ave Investors, LLC
Attn: Accounts Payable
1215 4th Avenue
Seattle, WA 98161

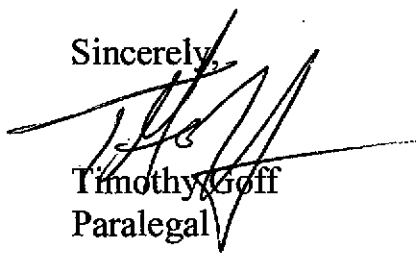
Re: Account # 698T05002

Dear Sir or Madam:

Kitchens New Cleghorn, LLC represents Cypress Communications Operating Company, LLC. Enclosed herewith is an important notice about the loss of your local telephone service as provided by our client. Please carefully read this notice and follow its instructions.

The notice enclosed herewith constitutes the notice as required by law.

Sincerely,


Timothy Goff
Paralegal

Enclosures

cc: Jeff Collins (via email to jcollins@cypresscom.net)
Ann Jackson (via email to anjackson@cypresscom.net)

EXHIBIT A
1 of 9 PAGES

Via Certified Mail, Return Receipt Requested

December 1, 2010

9709 Third Ave Investors, LLC
Attn: Accounts Payable
1215 4th Avenue
Seattle, WA 98161

Re: Account # 698T05002

Dear Sir or Madam:

This will serve as formal notification that Cypress Communications Operating Company, LLC will discontinue all services at the offices of 9709 Third Ave Investors, LLC, 9709 3rd Avenue, Seattle, WA 98115 as of February 1, 2011. Each and every service that Cypress currently provides to you will be discontinued. We fully understand the inconvenience this may cause you: Please know that we did not make this decision lightly; however, Cypress is compelled to factor economic feasibilities into its strategic planning.

It has been our experience that a complete transition to new service provider(s) including ordering local telephone lines, the purchase or lease of telephone equipment, or the ordering of Internet access services, may take 30 days. Therefore, we encourage you to immediately begin your transition plans at this time. In order to find the best alternative service for your company, we recommend reviewing the service offerings and price plans of several providers to see which best "fits" your business communication needs. **All services must be transitioned by January 22, 2011.** As a valued customer, we want to do everything within reason to help you accomplish a smooth transition to alternative service providers of your choice. If you have made a deposit with Cypress, it will be applied against your outstanding balance on your account as of your termination date, or, if there is no outstanding balance on your account as of such date, you will receive a refund check for your deposit. Please be aware that Cypress will not impose any carrier switch over charges due to this transition.

***Please take a moment to review and sign the attached form
and return via fax to (404) 812-7882 by February 1, 2011.***

Pursuant to FCC regulations, we are required to include the following statement:

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the Sec. 63.71 Application of Cypress Communications Operating Company, LLC. Comments should

EXHIBIT
2 OF 4 PAGES
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include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

We regret any inconvenience this may cause you. If you have any questions, please contact Jeff Collins at (404) 442-0393 or toll-free (888) 528-1788. Thank you for your prompt attention to this matter.

Regards,

Cypress Communications Operating Company, LLC
3565 Piedmont Road
Four Piedmont Center, Suite 600
Atlanta, GA 30305

CC: Jeff Collins (via email to jcollins@cypresscom.net)
Ann Jackson (via email to anjackson@cypresscom.net)

3 OF 4

PLEASE REpond BY FEBRUARY 1, 2011.

TO: Cypress Terminations
Cypress Communications Operating Company, LLC
3565 Piedmont Road
Four Piedmont Center, Suite 600
Atlanta, GA 30305

FAX: (404) 812-7837

FROM: 9709 Third Ave Investors, LLC
Attn: Accounts Payable
1215 4th Avenue
Seattle, WA 98161

DATE: _____

RE: Account # 698T05002

I understand that effective February 1, 2011, Cypress Communications Operating Company, LLC will discontinue each and every service that Cypress currently provides at the offices of 9709 Third Ave Investors, LLC, 9709 3rd Avenue, Seattle, WA 98115, Account # 698T05002, and that it is my responsibility to ensure that my company's services are transferred to an alternate service provider in order to avoid a service interruption.

If I move my services prior to the termination date, I understand that it is my responsibility to notify terminations@cypresscom.net to ensure that my account is closed properly. Failure to do so could result in my being billed through February 1, 2011.

Name (Please Print)

Phone/ email

Signature

Date

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4